IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18282 of 2004

Between:

1 T.V. Srinivasa Rao,

S/o. Gurivishetty,
R/o. Markapuram,

Prakasam District.
2 N. Guravaiah,

S/o. Erukaliah,
R/o. Markapuram,

Prakasam District.
3 P. Venkateswarlu,

S/o. P. Gurushetty,
R/o. Markapuram,

Prakasam District.
4 P. Rajarao,

S/o. P. Lingaiah,
R/o. Markapuram,

Prakasam District.
5 Y.V. Ramana,

S/o. Y.V. Gopala Krishna,
R/o. Markapuram,

Prakasam District.
6 S.V. Sastry,

S/o. S.V. Subba Sastry,
R/o. Markapuram,

Prakasam District.
7 G. Srinivasulu,

S/o. G. Venkatasubbaiah,
R/o. Markapuram,

Prakasam District.
8 G. Venkataiah,

S/o. G. Kasaiah,
R/o. Markapuram,

Prakasam District.
9 G. Vijayarao,

S/o. G. Joseph,
R/o. Markapuram,

Prakasam District.
10 G. Murthaiah,

S/o. G. Gurumurthy,
R/o. Markapuram,

Prakasam District.
11 M. Nageswara Rao,

S/o. M. Polaiah,
R/o. Markapuram,

Prakasam District.
12 V. Vinoda Rao,

S/o. V. Kondaiah,
R/o. Markapuram,

Prakasam District.
13 D. Venkateswara Naik,

S/o. D. Pittanaiak,
R/o. Markapuram,

Prakasam District.
14 S. Bhasha Hussain,

S/o. S. Ismail Peeran,
R/o. Markapuram,

Prakasam District.
15 V. Nageswara Rao,
R/o. Markapuram,

Prakasam District.
16 B. Mohan Rao,

S/o. B. Chinaveeraiah,
R/o. Markapuram,

Prakasam District.
17 M. Anjaneyulu,

S/o. M. Venkateswarlu,
R/o. Markapuram,

Prakasam District.

..... PETITIONERS

AND

The Regional Manager,

A.P.S.R.T.C.,

Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, particularly one in the nature of writ of mandamus, declaring the action of the respondent in not regularizing the service of the petitioners from the date of their initial appointments as arbitrary and illegal and issue a consequential direction, directing the respondent to regularize the services of the petitioners from the date of their initial appointments with all consequential benefits.

Counsel for the Petitioners: Mr. M.RAVINDRANATH REDDY

Counsel for the Respondent: Mr. R.MANMADHA REDDY (SC FOR APSRTC)

The Court made the following ORDER:

The petitioners are working as Conductors and Drivers in the respondent-corporation. They were selected on regular basis and after completion of training, they were appointed on daily wage basis instead of regular basis on various dates. They continued to work with a hope that their services will be regularized from the date of their original appointment, but the respondent regularized their services with effect from various dates, ignoring the dates of their initial appointment. The petitioners contend that by virtue of a judgment of the Supreme Court in **DIVISIONAL MANAGER, APSRTC AND OTHERS v. P.LAKSHMOJI RAO,** they are entitled for regularization from the dates of their initial appointment in the event of their juniors getting the said benefit.

In pursuance of the judgment of the Supreme Court, the learned single Judge of this Court passed orders in W.P.No.16244 of 1999 & batch on 8-8-2004 and in W.P.No.20757 of 2002 on 30-8-2004 extending the benefit of regularization from the date of initial appointment. In the judgment of the Supreme Court mentioned supra, the Supreme Court observed as follows:

> *"In view of his peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows:*
>
> *If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle".*

In the light of the above facts and circumstances and in the light of the judgment of the Supreme Court and the order of this Court, this Writ Petition is disposed of directing the respondent that if any of the Conductors and Drivers, juniors to the petitioners are extended the benefit of regularization, the petitioners shall also be extended the same benefit of regularization from the dates of their initial appointment with consequential benefits.

The Writ Petition is accordingly disposed of.

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(Dr. G.YETHIRAJULU,J)

7th October, 2004.

Note: Furnish C.C. in two days.

B/o

tsy

To

1. The Regional Manager,

A.P.S.R.T.C.,

Ongole,

Prakasam District.

2. Two CD Copies.